



UPPER UWCHLAN TOWNSHIP
CHESTER COUNTY, PENNSYLVANIA
ORDINANCE # 2016-05

AN ORDINANCE OF UPPER UWCHLAN TOWNSHIP, CHESTER COUNTY,
PENNSYLVANIA, AMENDING THE CODE OF UPPER UWCHLAN TOWNSHIP (Ordinance
#06-01) BY ADOPTING A NEW CHAPTER 110 TITLED "NOISE"

WHEREAS, property owners in the Township are entitled to the quiet use and enjoyment of their private property; and

WHEREAS, the Board of Supervisors of Upper Uwchlan Township has deemed it in the best interests and general welfare of the residents of the Township to regulate the hours in which noise producing work may be emitted within the Township;

NOW THEREFORE, the Board of Supervisors of Upper Uwchlan Township hereby enacts and ordains as follows:

SECTION 1. The Upper Uwchlan Township Code shall be amended to adopt a new Chapter 110 titled, "Noise" which shall provide as follows:

**CHAPTER 110
NOISE**

§110-1. Definitions. As used in this chapter, the following terms shall have the meanings indicated, unless a different meaning clearly appears from the context:

COMMERCIAL CONSTRUCTION

The operation of heavy construction equipment in construction or demolition projects.

CONSTRUCTION

Any site preparation, assembly, erection, repair, alteration, remodeling, or similar action, including demolition and removal of buildings or structures.

CONTIGUOUS LAND USE

Any land use bordering or abutting, whether divided by real property boundary or by real property boundary and public street.

CONTINUOUS SOUND

Any sound which is static, fluctuating or intermittent with a recurrence greater than one time in any fifteen-second interval.

DECIBEL (DB)

A numerical expression of the relative loudness of sound.

DEMOLITION

Any dismantling, destruction, or removal of buildings, structures or roadways.

EMERGENCY

Any occurrence or set of circumstances involving actual or imminent physical trauma or property damage which demands immediate action.

HEAVY CONSTRUCTION EQUIPMENT

Trucks with three or more axle and earthmoving grading equipment.

IMPULSIVE SOUND

Sound of short duration with an abrupt onset and rapid decay and an occurrence of not more than one time in any fifteen-second interval.

NOISE

Any sound which annoys or disturbs humans or which causes or tends to cause an adverse psychological or physiological effect on humans.

PLAINLY AUDIBLE SOUND

Any sound that can be detected by a person using his or her unaided hearing facilities.

PURE TONE

Any sound which can be distinctly heard as a single pitch or set of single pitches. For the purposes of this chapter, a pure tone shall exist if the 1/3 octave band sound pressure level in the band with the tone exceeds the arithmetic average of the sound pressure levels of the two contiguous 1/3 octave bands by 5 dB for center frequencies of 500 Hz and above, or by 8 dB for center frequencies between 160 Hz and 400 Hz and by 15 dB for center frequencies less than or equal to 125 Hz.

RECEIVING LAND USE

The land use which is a contiguous land use to the noise source.

SOUND

An oscillation in pressure, particle displacement, particle velocity or other physical parameter in a medium with internal forces that cause compression and rarefaction of that medium. The description of sound may include any characteristic of such sound, including duration, intensity and frequency.

SOUND DISSIPATIVE DEVICE

A noise-control device intended to abate or lessen the noise made by vehicles, equipment or machinery.

SOUND LEVEL

The weighted sound pressure level obtained by the use of a sound level meter and frequency weighting network, such as A, B, or C as specified in American National Standards Institute specifications for sound level meters (ANSI S1.4-1971, or the latest approved revision thereof). If the frequency weighting employed is not indicated, the A-weighting shall apply.

SOUND LEVEL METER

An instrument which includes a microphone, amplifier, RMS detector, integrator or time average, output meter and weighting networks used to measure sound pressure levels. The sound level meter used for testing purposes in accordance with this chapter shall meet the current American National Standard Institute specifications.

§110-2. Noise standards.

- A. Specific prohibited acts. The following actions are specifically prohibited regardless of the sound level which is emitted, unless otherwise exempted in this chapter:

- (1) No person shall operate or permit the outdoor operation of any tools, equipment or machinery used for commercial construction, drilling or demolition, or in the

sweeping of parking lots in such a manner as to be plainly audible across a property line except between the hours of 7:00 a.m. until 7:00 p.m. Monday through Friday and from 9:00 a.m. to 5:00 p.m. on Saturdays. It shall be unlawful to operate or permit the outdoor operation of any tools, equipment or machinery used for commercial construction, drilling or demolition, or in the sweeping of parking lots in such a manner as to be plainly audible across a property line on Sundays and legal holidays (which shall include the following holidays: New Year's Day, Memorial Day, Fourth of July, Labor Day, Thanksgiving and Christmas).

- (2) No person shall operate or permit the outdoor operation of any powered tool, equipment or machinery (including but not limited to electrically powered saw, drill, sander, grinder, lawn or garden tool) in such a manner as to be plainly audible across a property line except between the hours of 7:00 a.m. until 9:00 p.m. every day of the week.
- (3) No person shall load or unload trucks or other motor vehicles or open, close or otherwise handle boxes crates, containers, building materials, garbage cans or other objects in such a manner as to be plainly audible across a property line except between the hours of 7:00 a.m. and 9:00 p.m. every day of week, except that municipal trash trucks may operate between the hours of 6:00 a.m. until 9:00 p.m. every day of the week.
- (4) No person shall repair, rebuild, or test or otherwise work on any motorcycle, motor vehicle, motorboat or aircraft outdoors in such a manner as to be plainly audible across a property line except between the hours of 7:00 a.m. until 9:00 p.m. every day of the week.

B. General performance standards/noise levels.

- (1) In those cases not specifically controlled by subsection (A) above, no person shall operate or cause to be operated on private or public property any source of continuous sound (any sound which is static, fluctuating or intermittent with a recurrence greater than one time in any fifteen-second interval) in such a manner as to create a sound level which exceeds the limits set forth for the receiving land use category in the following table when measured at or within the property boundary of the receiving land use. All measurements shall be made with a sound level meter which is in conformance with American Standards Association specifications.

- (2) Continuous sound levels by receiving land use.

Receiving Land Use Category	Time	Sound Level Limit (dBA)
Residential, Public Space, Open Space	7:00 a.m. – 10:00 p.m.	65
	10:00 p.m. – 7:00 a.m.	60
Commercial or Business	7:00 a.m. - 10:00 p.m.	65
	10:00 p.m. – 7:00 a.m. plus Sundays and legal holidays	60
Industrial	At all times	70

- (3) Correction for character of sound. For any source of sound which emits a pure tone, the maximum sound-level limits set forth in the above table shall be reduced by five (5) dBA. For any source of sound which emits an impulsive sound, the excursions of sound pressure level shall not exceed twenty (20) dBA over the ambient sound level, regardless of time of day or night of receiving land use, using the "fast" meter characteristics of Type II Meter, meeting the ANSI Specifications S1.4-1971.
- (4) The maximum permissible sound level as listed in the previous table shall not apply to any of the following noise sources:
- a. The emission of sound for the purpose of alerting persons to the existence of an emergency or associated practice drills.
 - b. Emergency work to provide electricity, water or other public utilities when public health or safety is involved.
 - c. Domestic power tools.
 - d. Agriculture.
 - e. Public celebrations, when specifically authorized by the Township.
- (5) Motor vehicle operations shall not exceed the noise levels established in Chapter 157 of Title 67 of the Pennsylvania Code of Regulations, Subchapter B, Established Sound Levels.

§110-3. Administration and enforcement.

The Upper Uwchlan Township Police and the Upper Uwchlan Township Zoning Officer shall have the power to administer the terms of this chapter, investigate complaints and prosecute violations of this chapter in accordance with Section 4 of this chapter. When enforcing the terms of this chapter, the Police and Zoning Officer may retain consultants and engineers with experience in measuring sound levels with the use of sound level meters.

§110-4. Violations and penalties.

Any person who violates or permits the violation of any provision of this chapter shall, upon conviction thereof in a summary proceeding brought before a District Justice under the Pennsylvania Rules of Criminal Procedure, be guilty of a summary offense, and shall be subject to the payment of a fine of not less than \$100 and not more than \$1,000, plus the costs of prosecution. In default of payment thereof, the defendant may be sentenced to imprisonment in the county prison for a term of not more than thirty (30) days. Each section of this chapter violated shall constitute a separate offense, and each day or portion thereof in which a violation of this chapter is found to exist shall constitute a separate offense, each of which violations shall be punishable by a separate fine imposed by the District Justice of not less than \$100 and not more than \$1,000, plus costs of prosecution, or upon default of payment thereof, the defendant may be sentenced to imprisonment in the county prison for a term of not more than thirty (30) days. All fines and penalties collected for violation of this chapter shall be paid to the Township Treasurer.

SECTION 2. Section 200-82.F shall be deleted in its entirety.

SECTION 3. Severability. If any term, condition, or provision of this chapter shall, to any extent, be held to be invalid or unenforceable, the remainder hereof shall be valid in all other respects and continue to be effective.

SECTION 4. Repealer. All Ordinances or parts of Ordinances conflicting with any provisions of this Ordinance are hereby repealed insofar as the same affects this Ordinance.

SECTION 5. Effective Date. This Ordinance shall become effective five (5) days from the date of enactment.

ENACTED this 16th day of May, 2016.

**UPPER UWCHLAN TOWNSHIP
BOARD OF SUPERVISORS**



Guy A. Donatelli, Chair



Kevin C. Kerr, Vice-Chair



Jamie W. Goncharoff, Member

ATTEST:



Gwen A. Jonik, Township Secretary